

REMARKS

The Office Action of September 18, 2003 presents the examination of claims 1-21. The present paper cancels claims 1-21 and adds claims 22-52.

Substitute Oath or Declaration

The Examiner has noted that the Oath or Declaration of the Inventors fails to state the priority claim recited at the beginning of the specification. Accordingly, a Supplemental Oath or Declaration of the Inventor, which recites the proper priority claim, is attached hereto for entry into the record.

Rejections under 35 U.S.C. § 112, second paragraph

Claims 1-5 and 12-21 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for the various reasons presented on page 3 of the Office Action. Claims 1-21 have been canceled, rendering this rejection moot. New claims 22-52 are believed free of the minor editorial issues pointed out by the Examiner.

Rejections over prior art

Claims 1-3, 14-16 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Liu '914 in view of Ogawa '331.

Claims 4, 5 and 21 are rejected under 35 U.S.C. § 103(a) in view of over these references in further view of Church.

Claims 1-5, 14-16, 20 and 21 are canceled, rendering this rejection moot. Applicant submits that the instant rejections should not be applied to the presently pending claims.

Claims 1-5, 14-16, 20 and 21 were directed to a method for preparing a support prior to filling it with an electrophoretic matrix and to a method for separation utilizing a support so prepared. The present invention, with respect to preparing a support, is claimed as a method for cleaning the support with the weakly alkaline solution, and then filling the support with the electrophoretic matrix, omitting the step of silanizing the support prior to filling.

On the other hand, both Liu and Ogawa relate to cleaning of glass surfaces prior to coating them with a polysilane film. Church, cited for the proposition that a weakly basic solution should be substituted for the strong base (NaOH) described by Liu, relates to a glass cleaning solution for general use. Only Liu relates to conducting an electrophoretic separation.

The Liu and Ogawa references, when taken as a whole, do not in any way disclose or suggest the instant invention. There is no suggestion that either reference should be modified by omission of the step of silanizing the support surface. Indeed such modification would completely destroy the teachings of the Liu and

Ogawa references and so is entirely inconsistent with them. The Church reference does nothing to remedy this inconsistency of modification of the primary and secondary references, and so any combination of Liu, Ogawa and Church fails to establish *prima facie* obviousness of the present claims.

Claims 6-12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Osterhoudt '376. Claims 13 and 17-19 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Liu '914 and Ogawa '331 in view of Osterhoudt '376. Claims 6-13 and 17-19 are canceled herein, rendering this rejection moot. Applicant submits that the instant rejections should not be applied to the presently pending claims.

The embodiment of prior claims 6-13 and 17-19 is an electrophoretic gel polymerized in the presence of two or more organic solvents and a method for separating a sample in the presence of two or more organic solvents. This aspect of the invention is made clearer in the present claims 29-44 and 51-52.

As explained above, Liu and Ogawa relate to methods for preparing an electrophoretic support. The Examiner characterizes the Osterhoudt reference as describing an electrophoretic gel comprising two or more organic solvents. However, contrary to the Examiner's assertion, Osterhoudt does not disclose this. The portion of Osterhoudt cited by the Examiner discloses polymerizing a gel in a reaction mixture comprising isopropanol that is then

precipitated from solution by addition of acetone, washed and dried. Osterhoudt therefore does not disclose or suggest a gel comprising two or more organic solvents, use of such a gel to separate any sample, or preparing a gel by polymerizing any monomer in the presence of two or more organic solvents. Furthermore, none of Liu, Ogawa or Osterhoudt suggests modification of any gel or method for preparation of a gel by inclusion of two or more organic solvents. Accordingly, no combination of Liu, Ogawa and Osterhoudt establishes *prima facie* obviousness of the presently claimed invention.

The present application well-describes and claims patentable subject matter. The favorable action of allowance of the pending claims and passage of the application to issue is respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Mark J. Nuell (Reg. No. 36,623) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

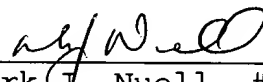
Pursuant to the provisions of 37 C.F.R. §§ 1.17 and 1.136(a), Applicant respectfully petitions for a two (2) month extension of

time for filing a response in connection with the present application. The required fee of \$420.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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Attachment(s): Supplemental Oath or Declaration of the Inventor

(Rev. 02/12/2004)